

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Floyd T. Bracey,		
Plaintiff,		
-vs-		<u>ORDER</u>
U.S. Postal Service;		3:05-3488-MJP
Lari Kern;		
Jim Jeffcoat;		
Charles Coble; and		
All Pooms,		
Defendants.		

This is an employment discrimination suit filed *pro se* by the plaintiff Floyd Bracey. He seeks actual and punitive damages as well as payment of his legal fees. In addition, he asks the Court to make changes in the United States Postal Services' EEOC process. Plaintiff has also filed an application to proceed *in forma pauperis*.

Pursuant to the provisions of 28 U.S.C. §636(b)(1)(B) and Local Rule 73.02(b)(2)(e), D.S.C., this matter was referred to United States Magistrate Judge Joseph R. McCrorey for a Report and Recommendation. In the Report, the Magistrate Judge recommends that the plaintiff's motion to proceed without payment of fees be denied. He further recommends summary dismissal of this case due to the Plaintiff's failure to state any factual allegations against any of the defendants.

The applicable standard of review for this Court is clear. The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. Matthews v. Weber,

423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made. 28 U.S.C. § 636(b)(1)(C). However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the Magistrate Judge as to those portions of the Recommendation to which no objections are addressed.. Thomas v. Arn, 474 U.S. 140, 150 (1985).

In the instant action, neither party has filed objections to the Magistrate Judge's Recommendation. The Court has carefully reviewed the record before it. Upon consideration, the Court agrees with the Magistrate Judge that the motion to proceed without payment of fees should be and is hereby denied. Additionally, the complaint fails to allege facts sufficient to support a claim against any of the defendants.

Accordingly, upon careful consideration, this action is **DISMISSED**.

IT IS SO ORDERED.

s/ MATTHEW J. PERRY, JR.
SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
March 2, 2006.